

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA, Section 21081.6 of the Public Resources Code requires public agencies, as part of the adoption of a Mitigated Negative Declaration (MND), to prepare and approve a reporting or monitoring program. This program should be structured to ensure that changes to the project that the lead agency has adopted to mitigate or avoid significant environmental impacts are carried out during project implementation.

The Mitigation Monitoring Program (MMP) contained herein is intended to satisfy the requirements of CEQA as they relate to the San Joaquin Bike Bridge Project MND. The MMP is intended to be used by the City of Lathrop staff, participating agencies, and mitigation monitoring personnel during implementation of the project. The intent of the MMP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMP will consist of the following components:

COMPLIANCE CHECKLIST

Table 1 contains a compliance monitoring checklist that provides a synopsis of all adopted mitigation measures, the entity responsible for their implementation, the entity responsible for monitoring, and the timing of implementation. All the mitigation measures presented in **Table 1** will be incorporated into the Proposed Project.

IMPLEMENTATION AND MONITORING OF MITIGATION MEASURES

Since the mitigation measures will be incorporated into the Project, implementation and monitoring of mitigation measures will occur at various stages of implementation of the Project, which may include, but are not limited to, the following:

- Implementation of development and design standards, guidelines, and programs for the Proposed Project.
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures.
- Grading, site preparation; and construction of the Proposed Project.
- On-site, day-to-day monitoring of construction activities.

- Ensuring contractor knowledge of and compliance with all appropriate permit conditions and the MMP.
- Verifying the accuracy and adequacy of contract wording.
- Having the authority to require correction of activities that violate project permit conditions or mitigation measures.
- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the City of Lathrop.
- Obtaining assistance as necessary from technical experts, such as archaeologists, botanists, and wildlife biologists in order to develop site-specific procedures for implementing the mitigation measures.
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

Responsibility of implementation and monitoring of mitigation measures will typically reside with the City of Lathrop staff as described in **Table 1**.

TABLE 1
MITIGATION MONITORING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
NOISE					
The City of Lathrop Noise Ordinance, Section 8.20.110, limits construction activities within a residential zone or within 500 feet radius of a residential zone to the hours between 7:00 a.m. and 10:00 p.m. on Mondays through Thursdays, between 9:00 a.m. and 10:00 p.m. on Fridays and Saturdays, and prohibited on Sundays, unless a permit is obtained. The construction contractor shall obtain a permit from the City of Lathrop prior to conducting any construction activities outside of the Noise Ordinance limitations.	City of Lathrop Community Development Director or designee	City of Lathrop	Verification of contract wording on construction plans. Verification of required permit. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans	
Construction equipment noise shall be minimized during project construction by muffling and shielding intakes and exhaust on construction equipment (per the manufacturers' specifications) and by shrouding or shielding impact tools.	City of Lathrop Community Development Director or designee	City of Lathrop	Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, and during construction	
AIR QUALITY					
The City of Lathrop shall ensure, through contractual agreements, that construction contractors implement a dust-abatement program that complies with the SJVAPCD Regulation VIII - Fugitive PM-10 Prohibitions control measures to reduce the contribution of local respirable particulate matter concentrations during construction. This program shall include, but not be limited to, the following measures:	Community Development Director or designee	The City of Lathrop in coordination with the San Joaquin Valley Air Pollution Control District	Verification of compliance with SJVAPCD Regulation VIII. Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, and during construction.	
<ul style="list-style-type: none"> Water site prior to any construction, excavation or other earthmoving activities. Phase work to reduce the amount of disturbed surface area at any one time. 					

TABLE 1 (CONTINUED)
MITIGATION MONITORING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<ul style="list-style-type: none"> Water, chemical/organic soil stabilizers/suppressants, or vegetative ground cover shall be used to control fugitive dust from all disturbed areas, including storage piles, which are not being actively used at the construction site. Water or chemical/organic soil stabilizers/suppressants shall be used to control fugitive dust from all unpaved roads on-site and all off-site unpaved access roads to the construction site. Applications of water or presoaking shall be performed to control fugitive dust from all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities. Cover and wet all materials transported off-site or require all trucks to maintain at least six feet of freeboard from the top of the container. Remove accumulated mud or dirt from adjacent public streets at least once every 24 hours during construction periods. (The use of dry rotary brushes is expressly prohibited, except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. The use of blower devices is also expressly forbidden.) Water or chemical soil stabilizers/suppressants shall be used to control fugitive dust after each addition of materials to or removal of materials from all storage piles. 					

TABLE 1 (CONTINUED)
MITIGATION MONITORING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<ul style="list-style-type: none"> Limit the speed of all construction vehicles to 15 miles per hour on unpaved roads. 					
BIOLOGICAL RESOURCES					
To compensate for the potential reduction in spawning habitat for delta smelt with the placement of piers 1 and 2, the City of Lathrop shall purchase 1,740 square feet (approximately 0.04 acre) of delta smelt and Sacramento splittail habitat from a USFWS-approved mitigation bank. This mitigation credit may be purchased from Wildlands, Inc. from their Kimball Island mitigation bank, or other USFWS approved mitigation banks.	City of Lathrop Community Development Director or designee	City of Lathrop in coordination with the U.S. Fish and Wildlife Service	U.S. Fish and Wildlife Service	Prior to site development / construction	
A pre-construction survey for burrowing owls and Swainson's hawks and other raptors will be conducted by a qualified biologist within the 30 days prior to construction activities to establish the status of this species on the project site in the time period between March 1st and July 31st of a given season. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site will be resurveyed. The surveys will adhere to CDFG protocols for burrowing owls and Swainson's hawks.	City of Lathrop Community Development Director or designee	City of Lathrop in coordination with the California Department of Fish and Game	California Department of Fish and Game	Prior to site development / construction	
If active raptor nest(s) are found, construction activities shall be avoided around active nest trees during the breeding season (March 1 to August 31) or while nests are occupied. In addition, nest activity shall be monitored during tree removal activities and construction, and a 500-foot buffer zone shall be provided around active nests (depending on the species and in consultation with CDFG), if construction in that area is absolutely necessary.					

TABLE 1 (CONTINUED)
MITIGATION MONITORING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
Prior to construction, the project applicant should obtain a Section 404 permit from the Corps. Based on the area projected to be impacted, the Proposed Project may qualify for a Nationwide Permit. Section 404 establishes a permit program for the discharge of dredge or fill material into waters of the United States.	City of Lathrop Community Development Director or designee	City of Lathrop in coordination with the U.S. Army Corps of Engineers	US Army Corps of Engineers	Prior to site development / construction	
Prior to construction, the project applicant should obtain a Section 401 water quality certification from the RWQCB. Section 401 requires an applicant for any federal permit that proposes an activity which may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply with state water quality standards.	City of Lathrop Community Development Director or designee	City of Lathrop in coordination with the California Regional Water Quality Control Board	California Regional Water Quality Control Board	Prior to site development / construction	
Prior to construction, the project applicant should enter into a Streambed Alteration Agreement with the CDFG. Any obstruction or alteration of drainage features requires a CDFG Stream Alteration Agreement.	City of Lathrop Community Development Director or designee	City of Lathrop in coordination with the California Department of Fish and Game	California Department of Fish and Game	Prior to site development / construction	
All temporarily disturbed areas will be restored to original grade and revegetated with native species (willow, box elder, and Fremont's cottonwood) to minimize erosion. The replanting process will be ongoing throughout construction, with planting beginning as construction related activities end in a given area. Rapidly sprouting plants, such as willows, should be cut off at the ground line and root systems left in tact, when removal is necessary. Riprap will not be used as a substitute for revegetation except in areas where the project Engineer has deemed that vegetation will not likely become reestablished and channel erosion protection is necessary. Additional erosion control measures, such as straw mulch, may be used if vegetation cannot be immediately established during the wet season.	City of Lathrop Community Development Director or designee	City of Lathrop	Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, during construction, and after site development.	

TABLE 1 (CONTINUED)
MITIGATION MONITORING PROGRAM

Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
The project applicant shall develop a compensation ratio of 2:1 preservation and 1:1 creation or provide a fee at the rate of \$1,500.00 per acre for the permanently impacted riparian habitat (0.001 acres) as described as Natural Lands within the SJMSCP.	City of Lathrop Community Development Director or designee	City of Lathrop in coordination with the Joint Powers Authority for the SJMSCP	Joint Powers Authority for the San Joaquin County Multi-Species Habitat Conservation Plan (SJMSCP)	Prior to site development / construction	
CULTURAL RESOURCES					
Pursuant to CEQA Guidelines 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the City of Lathrop shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the City of Lathrop and the qualified archaeologist and/or paleontologist would meet to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.	City of Lathrop Community Development Director or designee	City of Lathrop in coordination with the U.S. Coast Guard, San Joaquin County Coroner, Native American Heritage Commission	Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, and during construction	
The project proponent shall notify a qualified paleontologist of unanticipated discoveries, made by either the cultural resources monitor or construction personnel and subsequently document the discovery as needed. In the event of an unanticipated discovery of areas, true, and/or trace fossil during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find.	City of Lathrop Community Development Director or designee	City of Lathrop in coordination with the U.S. Coast Guard, San Joaquin County Coroner, Native American Heritage Commission	Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, and during construction	

TABLE 1 (CONTINUED)
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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
<p>In the event of the discovery of human remains, CEQA Guidelines 15064.5 (e)(1) shall be followed, which is as follows:</p> <p>(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>(A) The Coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and</p> <p>(B) If the coroner determines the remains to be Native American:</p> <ol style="list-style-type: none"> 1. The coroner shall contact the Native American Heritage Commission within 24 hours. 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American. 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. 	City of Lathrop Community Development Director or designee	City of Lathrop in coordination with the U.S. Coast Guard, San Joaquin County Coroner, Native American Heritage Commission	Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, and during construction	

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Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Compliance Standards	Timing	Verification of Compliance (Initials and Date)
HAZARDS AND HAZARDOUS MATERIALS					
The City of Lathrop shall ensure through enforcement of contractual obligations, that proper precautions will be taken (such as keeping a distance of at least 10 feet from aerial lines) in operating heavy equipment, moving long tools, sections of piping, the preconstructed bridge segments, the location of scaffolding, etc. to avoid contact with aerial lines.	City of Lathrop Community Development Director or designee	City of Lathrop	Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, and during construction	
The City of Lathrop shall ensure through enforcement of contractual obligations, that prior to any construction activities, the areas planned to be disturbed would be marked in white paint and Underground Service Alert (USA) contacted. USA provides a free "Dig Alert" service to all excavators (contractors, homeowners and others), in northern California. The excavator's one call to USA will automatically notify all USA Members (utility service providers) who may have underground facilities at their work site. In response, the USA Members will mark or stake the horizontal path of their underground facilities, provide information about, or give clearance to dig. This simple safe service protects the excavator from personal injury and underground facilities from being damaged. The utility owners will be responsible for the timely removal or protection of any existing utility facilities located within construction areas.	City of Lathrop Community Development Director or designee	City of Lathrop	Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, and during construction	
The City of Lathrop shall ensure through enforcement of contractual obligations that the construction crew maintain at least 10 feet of distance from the aboveground fuel tank and fuel pump in order to avoid an accidental construction equipment collision with these features resulting in a release of fuel onto the ground or into the San Joaquin River.	City of Lathrop Community Development Director or designee	City of Lathrop	Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, and during construction	

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If unidentified contaminated soil and/or groundwater is encountered or if suspected contamination is encountered during any construction activities, work shall be halted in the area, and the type and extent of the contamination shall be identified. A qualified professional, in consultation with appropriate regulatory agencies (i.e., RWQCB, DTSC, SJCEHD, and Manteca-Lathrop Rural Fire Protection District) shall then develop an appropriate method to remediate the contamination. If necessary, a remediation plan in conjunction with continued construction shall be implemented. All applicable federal, state and local regulatory requirements must be followed in the disposal of any hazardous materials and in the excavation and disposal of any contaminated soil.	City of Lathrop Community Development Director or designee	City of Lathrop	Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, and during construction	
During construction, staging areas, and areas slated for development using spark-producing equipment shall be cleared of all dried vegetation or other materials that could serve as fire fuel. The contractor shall keep these areas clear of combustible materials in order to maintain a firebreak. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.	City of Lathrop Community Development Director or designee	City of Lathrop	Verification of contract wording on construction plans. Periodic site inspection to ensure mitigation measures are being applied	Final construction plans, and during construction	